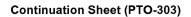
## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/676,918	EIRON ET AL.	
Examiner	Art Unit	Т
LINH BLACK	2169	

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The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress		
THE REPLY FILED <u>09 January 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.					
1.  The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C periods:	replies: (1) an amendment, affidavireal (with appeal fee) in compliance	t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request		
a) The period for reply expires 3 months from the mailing date b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to Examiner Note: If box 1 is checked, check either box (a) or ( MONTHS OF THE FINAL REJECTION. See MPEP 706.07()	dvisory Action, or (2) the date set forth ater than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejection	on.		
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of extunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	, on which the petition under 37 CFR 1.1 ension and the corresponding amount of hortened statutory period for reply origi	of the fee. The appropria nally set in the final Office	ate extension fee e action; or (2) as		
2. The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exter Notice of Appeal has been filed, any reply must be filed with AMENDMENTS	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of the			
3. The proposed amendment(s) filed after a final rejection, b  (a) They raise new issues that would require further cor  (b) They raise the issue of new matter (see NOTE below  (c) They are not deemed to place the application in bet appeal; and/or  (d) They present additional claims without canceling a content of the second cont	nsideration and/or search (see NOTw); ter form for appeal by materially rec	TE below);			
NOTE: (See 37 CFR 1.116 and 41.33(a)).  4.  The amendments are not in compliance with 37 CFR 1.12  5.  Applicant's reply has overcome the following rejection(s):	21. See attached Notice of Non-Co		PTOL-324).		
6. Newly proposed or amended claim(s) would be all non-allowable claim(s).	owable if submitted in a separate, t	•	_		
7.  For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is prove The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-3,5-7,9,10 and 12-18. Claim(s) withdrawn from consideration:		l be entered and an e:	xplanation of		
AFFIDAVIT OR OTHER EVIDENCE					
<ol> <li>The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e).</li> </ol>					
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary	vercome <u>all</u> rejections under appea	ıl and/or appellant fail:	s to provide a		
10.  ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	n of the status of the claims after er	ntry is below or attach	ed.		
<ul> <li>11. The request for reconsideration has been considered but the amended limitations in claim 1 requires further search</li> <li>12. Note the attached Information Disclosure Statement(s). (13. Other: PTO 413.</li> </ul>	hes and/ considerations.	condition for allowan	ce because:		
/LINH BLACK/	/HUNG Q. PHAM/				
Examiner, AU 2169	Primary Examiner, Art U	nit 2169			



Application No.